EXAMINATIONS.

No 662
23/10/99

I.—Civil Servants.

1. The following are the rules for the examination of Junior Civil Servants:—

Introductory Rules.

1. Every gentleman appointed to be a member of the Civil Service of the Presidency of Bombay shall, immediatey on arrival at Bombay, report himself to the Chief Secretary to Government, or in his absence to the officer in charge of the Separate Department.

2. The salary of a Junior Civil Servant will be Rs. 400 per mensem from the date of arrival, increasing to Rs. 450 from the date of his passing the Departmental Examination, Lower Standard, and to Rs. 500 from the date of his passing the Departmental Examination, Higher Standard, and being invested with the full powers of a Magistrate.*

3. On a Junior Civil Servant reporting his arrival, orders will be issued placing him under the

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* *Resolution of the Government of India, No. 377, dated 20th January 1871.*

The Governor General in Council observes that the principle of granting increase of pay to Assistant Magistrates and Assistant Commissioners is not the same in different provinces. In some provinces the grant of higher allowances has hitherto depended on the investiture with increased magisterial powers as well as on passing by the lower and higher standards of examination, while in other on the latter alone. In order, however, to secure uniformity in this respect His Excellency in Council is pleased to prescribe, as a rule for future guidance, that officers on passing the lower or higher standard of examination shall, as a rule, be at once invested, respectively, with the powers of a Subordinate Magistrate of the First Class (Second Class Magistrate), or with full magisterial powers (powers of a First Class Magistrate), and that they shall accordingly be entitled to the higher rates of pay from the date of their passing the examination. But if, in the case of any officer subordinate to him, the Magistrate of a District shows, to the satisfaction of the Local Government, that investiture with higher powers ought to be deferred then the mere passing of the examination will not establish a title to higher pay, nor shall such higher pay be granted until the investiture with higher powers takes place.

Subsequent Resolution of the Government of India, No. 2990, dated 17th June 1871.

Powers of a Subordinate Magistrate of the First Class (Second Class Magistrate) are not to be conferred upon an officer until he has exercised the powers of a Subordinate Magistrate of the Second Class (Magistrate of the Third Class) for six months; and full magisterial powers are not to be conferred upon an officer until he has exercised the powers of a Subordinate Magistrate of the First Class (Magistrate of the Second Class) for the same period: provided that no officer shall be entitled to a higher rate of pay by reason of exercising higher powers, unless he has passed in all the subjects of examination by the First or Second (Lower or Higher) Standards as the case may be.

Government of India, Home Department, No. 38-1295, dated 6th September 1881 (G. R. No. 5456, dated 21st idem).

The Government of India have decided after very careful consideration to maintain in force the existing rule under which the grant of higher pay to Junior Civilians is made contingent not only on passing the Departmental Examinations, but also on investiture with higher magisterial powers.

Collector or other Chief Executive Officer of a District for the purpose of his qualifying himself in the languages and Departmental subjects of examination.

4. A Junior Civil Servant is required to pass examinations in Hindustáni and in one of the vernacular languages of the Presidency (Maráthi, Gujaráti, Kánarese or Sindhi) within fifteen months of his arrival. If he fails so to pass, a deduction of 10 per cent. will be made from his salary until he shall have passed the examination. For the standard of the examination in Hindustáni, *see Rule 26.*

Note 1.—Any native gentleman appointed in India on probation to the Civil Service must, if posted to a district of which the language is not his own vernacular, pass in the language of that district. (G. R. No. 1881, dated 21st March 1882.)

Note 2.—The Accountant General should see that in all cases in which Junior Civil Servants become liable to the 10 per cent. deduction rule for failing to pass the necessary examination in the vernacular, the rule is strictly enforced *at the time*. (G. R. No. 890, dated 5th February 1889.)

5. On passing either in Hindustáni or in a vernacular language, a Junior Civil Servant will ordinarily be gazetted as an Assistant Collector, and invested with the powers of a Magistrate of the Third Class.

6. It is optional with a Junior Civil Servant who may not have passed either in Hindustáni or in any vernacular language to present himself for the Departmental Examination, Lower Standard. In the event of his passing that examination, or the language part of it, he shall be considered as having passed in the vernacular language in which he has been examined at such examination.

7. A Civil Servant who has passed in one vernacular, and who at any time before he has completed ten years' residence in India joins an appointment in a district in the vernacular of which he has not passed, must pass in the latter language, according to the Higher Standard, within one year from the date of his joining such appointment. On his failing so to do, a deduction of 10 per cent. will be made from his salary until he passes or is removed to a district the vernacular of which is different.* •

8. Except for special reasons a Junior Civil Servant who has been appointed an Assistant Col-

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Government of India, Home Department, No. 288, dated 26th August 1892 (G. R. No. 7171, dated 9th September 1892).

The word "pay" as used in the rules of 1871 was not intended to be construed, as in the Civil Service Regulations, as meaning substantive pay only, but to include acting allowance.

District Magistrates should submit promptly their recommendations for the grant of magisterial powers to Junior Civil Servants under the Resolutions of the Government of India, Nos. 377, dated 20th January 1871, and 2990, dated 17th June 1871. (G. R., J. D., No. 2841, dated 7th April 1897).

* This rule is not applicable to a Junior Civil Servant serving in the City of Bombay. (G. R. No. 8584, dated 4th November 1895.)

lector will not receive permanent charge of a táluka, or be invested with the powers of a Magistrate of the Second Class, until he has passed the Departmental Examination, Lower Standard, or the part consisting of Judicial, Revenue and Miscellaneous subjects.

9. Except for special reasons, a Junior Civil Servant will not be appointed to be or act as Second Assistant Collector or Assistant Judge and Sessions Judge, or be invested with the powers of a First Class Magistrate, until he has passed the Departmental Examination, Higher Standard, or the part consisting of Judicial, Revenue and Miscellaneous subjects.

10. A Junior Civil Servant desirous of entering the Judicial branch of the Service may, on application made to the Secretary to the Central Committee for Departmental Examinations, one month before the date of the Departmental Examination, Higher Standard, be examined in an extra paper relating to judicial matters as hereinafter provided. The Junior Civil Servant will not, by passing in this paper, bind himself to enter the Judicial branch, but he will be freed from obligation to pass any other examination in judicial matters.

11. Substantive promotions to the grade of Second Assistant Collector as also officiating promotions to this as well as the grade of First Assistant Collector will, under ordinary circumstances, be regulated according to the date of passing the Higher Standard Departmental Examination. Passing the Departmental Examination, however, will not entitle to promotion any one whose conduct is not otherwise satisfactory. The names of officers holding the substantive appointments of First and Second Assistant Collectors will be printed in the Civil List in the order of their seniority in the service.*

12. A Junior Civil Servant will not be entitled to travelling allowance for attending the examination unless the Central Committee for Departmental Examinations, or the Sub-Committee for Vernacular Examinations of the Central Committee, as the case may be, shall certify that his proficiency was such as to entitle him to the allowance †.

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* Rule 11 will be strictly enforced in every case, and no departure from that ruling will be permitted for any cause whatsoever. Due notice should be given by the Collector under whom he is placed, to every young Civilian joining the service in this Presidency, that his prospects of promotion during the early portion of his career will materially depend upon the passing by him of the prescribed examinations with the least possible delay, and his particular attention should be invited to Rule 11 and to this order. (G. R. No. 4093, dated 6th August 1880.)

Rule 11 constitutes an exception to the ordinary principle of seniority in order to furnish officers with an additional motive for passing their examinations quickly. The principle should not be carried further than is distinctly stated in the rules. (G. R. No. 2309, dated 24th March 1897.)

† *Note.*—The practice of the Central Committee is to refuse certificates for travelling allowance to candidates who obtain less than a half of the minimum number of marks required to pass.

Departmental Examinations.

13. Half-yearly examinations of Junior Civilians and others who may be permitted to appear shall be held at Bombay or Poona, under the supervision of the Central Committee for Departmental Examination, on 1st April and 1st October, or such other dates as may be notified to the examinees by order of the President. Examinations in languages only are also held before the Sub-Committee for Vernacular Examinations of the Central Committee.

14. The Central Committee for Departmental Examinations will consist of the Chief Secretary to Government, or such other officer as may be nominated by Government as President, the Secretary or Under Secretary to Government in the Revenue Department, the Accountant General, his Deputy or Assistant, the Registrar of the High Court, and the Oriental Translator to Government, who shall also be Secretary, and such other members as Government may from time to time appoint. The Inspector-General of Registration and Stamps will be an *ex-officio* member of the Committee for the purpose of preparing questions relating to the Indian Registration and Stamp Acts and the rules framed thereunder.

15. (*a*) There shall be two standards of qualification—the Lower and Higher. The Lower Standard must be passed before a candidate can present himself for examination according to the Higher Standard.

(*b*) The examination in the case of both the Lower and Higher Standards, consists of two parts (I) Language and (II) Judicial, Revenue and Miscellaneous subjects. It is optional for a Junior Civil Servant to appear for both of these parts at the same time or separately for either.

(*c*) It will not be necessary for a native Junior Civil Servant to undergo the language part of the examinations by the Lower and Higher Standards.

LOWER STANDARD.

(*See Appendix A.*)

16. The principal object of the Lower Standard of examination shall be to test the candidate's proficiency in the vernacular language of the district. The further objects shall be to test his general acquaintance with the leading principles of Revenue Administration and Criminal Justice, and especially with so much of the Laws of Procedure as it is necessary for an officer to know in order to exercise properly the functions of an Assistant Collector and Subordinate Magistrate, and his power of dealing with conflicting arguments and evidence. With these objects the following scheme of examination is laid down :—

1. Papers and questions are to be proposed to the candidate for the purpose of ascertaining his knowledge of the language of the district.

2. Papers on Revenue and Judicial questions are to be answered without reference to any books, except the text (without commentary) of Regulations and Acts and the printed rules for administration of revenue survey settlements, and such other books of reference as may be prescribed by the Central Committee. These questions will be so framed as not to involve difficult and rare points, or recollection of forms, dates, &c., but must be sufficient to test the candidate's general knowledge of the subject of examination. The Indian Evidence Act will also be a subject of examination, and questions in it are to be answered without books. (G. N. dated 31st May 1872; *vide* G. R. No. 2618 of the same date.)

Note.—The Notification of 31st May 1872, prescribing a separate paper without books on the Indian Evidence Act, is applicable both to the Ordinary and Special Lower Standard Departmental Examinations. (G. R. No. 2755, dated 6th April 1883.)

3. (*a*) The candidate is to be required to answer ordinary questions showing a general acquaintance with the principles and system of Huzúr, Táluka and Village Accounts as given in Hope's* Manual, and of Treasury and Local Fund Accounts as given in the Civil Account Code, Vol. I, and the Pay and Acting Allowance Code.

(*b*) The candidate shall produce a certificate from the Collector of the district that he has duly attended to and satisfactorily discharged the duties of Treasury Officer for a period of not less than six weeks in the twelve months immediately preceding the examination. No candidate shall be declared as passed without such certificate (G. Ns. Nos. 2036 dated 28th March 1882, and 1128 dated 6th February 1884).

Note.—If a Junior Civilian, who has been in charge of a District Treasury for six weeks in January and February, or February and March, passes the Lower Standard Departmental Examination in April, he can present himself for examination in the following October, and pass it without being required to hold charge of a District Treasury for another period of six weeks in the interval between the two examinations. (G. R. No. 424, dated 16th January 1885.)

4. With a view of testing the power of the candidate in dealing with conflicting arguments and evidence, a decided case which he has never before seen (from a Magistrate's record) of the nature of those which come before Assistants in charge of districts, is to be placed before him, the final proceeding in the case being withdrawn, as also any English translations or summary. The papers may then be read over to the candidate by a native officer, and the explanation of any difficult word or phrase asked for and given in the vernacular, the circumstance being on each occasion noted. The candidate may make notes as the record is read over. Finally, he must

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*By Government Resolution No. 3960, dated 30th June 1887, Mr. Symonds' revised edition of Táluka and Huzúr Accounts has been substituted for Hope's Manual.

write out in English a summary of the evidence of each witness and his decision upon the question or questions at issue, with a sufficient statement of the grounds on which it is based. (G. R. No. 2075, dated 31st March 1877.)

HIGHER STANDARD.

(*See Appendix A.*)

17. The Higher Standard of Examination shall be similar in its nature to the Lower, but more difficult in degree. Its object shall be to test the fitness of the candidate to transact creditably the ordinary business of a Collector and Magistrate, and the examination will be conducted in conformity with the following scheme:—

1. The candidate must show an unimpaired acquaintance with the vernacular of the district, the papers selected as tests being of a more difficult description than those in the former examination. The candidate's power of explaining himself clearly in the vernacular is to be tested by an argument of some difficulty such as may occur in official business.

2. Questions of law and practice are to be selected from the whole range of the duties of a Collector and Magistrate, and arranged in two classes: one comprehending important and leading points, in answering which no books shall be allowed, and the other comprehending less general and less common points, in answering which the assistance of books shall be allowed. (No guides, digests, or summaries, however, are to be used, but only the original laws, circular orders, and interpretations, with rules relative to different departments printed by authority). The object of this class of questions is to test the candidate's capacity readily to find the law or practice in the less common points which arise in business. It is not to evoke subtlety or ingenuity, but merely to ascertain whether or not the acquisitions of the person examined are such as to enable him fitly to perform the important functions of a Magistrate and Collector.

3. A magisterial case is to be selected from those possessing enough of complexity to test the candidate's ability to master all ordinary difficulties, and especially to test his power of minute attention to and just appreciation of evidence, and his knowledge of one or two nice points connected with native custom. The course laid down in sub-para. 4 of the preceding paragraph should be adopted. (G. R. No. 2075, dated 31st March 1877.)

4. The candidate is to be examined relative to revenue administration, and especially the principles of a survey settlement, and the rules laid down for the guidance of Revenue officers in connection therewith. A special paper on

subjects connected with survey and settlement will be set by the Survey Commissioner and will include questions on the subjects dealt with in (1) the Survey and Settlement Manual, (2) the Land Revenue Code, Chapters VIII, IX and X, and the rules under Section 214 of the Code relating to the provisions of those chapters together with all recent orders and rulings* of Government on the subject of survey and settlement; (3) the latest Red Letter Chapter in the General Administration Report of the Bombay Presidency on the character of Land Tenures and system of Survey and Settlements, and (4) Government Resolution No. 2619 of 16th March 1884. (G. Rs. Nos. 4958, dated 27th August 1881, and 159, dated 8th January 1894.)

* *Vide* H. V. Sathe's annotated edition of the Land Revenue Code.

Note.—Government do not consider it necessary at present that candidates for the Higher Standard Examination other than Junior Civilians should be examined in the paper on Revenue Survey and Settlement matters. (G. R. No. 1530, dated 7th March 1882.)

5. The candidate is to be tested in the Penal Code, the Criminal Procedure Code, the Police Acts, the Summary Settlement Acts, the District Municipal Act, the Salt Act, the Watan Act, the Opium Act, the Forest Act, the A'bkári Act, the Bombay Revenue Code, the Local Boards Act, and other Acts and Regulations commonly referred to in practice. (G. Rs. Nos. 2313, dated 25th March 1886, and 7841 dated 16th November 1887.)

6. (*a*) The candidate is to be required to show his knowledge of the accounts of a Collectorate, whether Village, Táluka, or Huzúr, and to have a satisfactory general acquaintance with the subjects treated of in Mr. Hope's† Manual, and with the whole system of Treasury and Local Fund Accounts prevailing in the Presidency as given in the Civil Accounts Code Vol. I, and the Pay and Acting Allowance Code.

(*b*) The candidate shall produce a certificate from the Collector of the district that he has duly attended to and satisfactorily discharged the duties of Treasury Officer for a period of not less than six weeks in the twelve months immediately preceding the examination. No candidate shall be declared as passed without such certificate. (G. Ns. Nos. 2036, dated 28th March 1882, and 1128, dated 6th February 1884.)

(*Note.*—*Vide* note below clause 3, rule 36, *supra*.)

7. He will also be examined in Mr. Field's Law of Evidence in British India, the examination being limited to the part which deals with general principles only, and the Indian Evidence Act and the Indian Contract Act (Nos. I and IX of

† By Government Resolution No. 3960, dated 30th June 1887, Mr. Symonds' revised edition of Táluká and Huzúr Accounts has been substituted for Hope's Manual.

1872), the questions in which should be answered without books. (G. N. dated 31st May 1872; *vide* G. R. No. 2618 of the same date, and G. N. No. 7251, dated 12th October 1886.)

8. The candidate will be examined in a paper in subjects connected with the Indian Registration Act, the Indian Stamp Act and the rules laid down thereunder. (G. N. No. 7841, dated 16th November 1887.)

18. The extra paper on judicial matters described in Rule 10 will consist of questions on the following subjects :—

The Civil Procedure Code,
The Law of Limitations,
The Law of Contracts,
The Law of Evidence,
The Specific Relief Act,
The Indian Succession Act,
The Principles of Hindu Law,
and
The leading cases decided by the Bombay High Court.

(G. R. No. 2313, dated 25th March 1886.)

The marks obtained in answering this extra paper will be reckoned towards the Junior Civil Servants' passing the Departmental Examination, Higher Standard, provided the minimum in all other branches of examination has been duly attained.

Local Committees.

19. On application made one month previous to the ordinary date of an examination, Local Committees will be appointed for the examination of candidates stationed in the Province of Sind, the Persian Gulf, or Arabia.

20. The Central Committee for Departmental Examination will fix the half-yearly examination days. If local examinations are sanctioned, they must be held on the same days. The Central Committee shall prepare beforehand for each examination sets of questions, a sufficient number of copies of each of which sets shall be forwarded to each Local Committee in a sealed packet, not to be opened until the moment of examination. The Central Committee shall, subject to the general control of Government, frame rules for the general guidance of the Local Committees, in order to ensure a fair and uniform method of fixing the degree of attainment upon each point of examination.

21. *The Local Examination Committee will consist of the Chief Judicial and Chief Revenue Officer of the District, the senior of whom shall be

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*As regards Sind, *vide* Government Resolution No. 3992, dated 9th July 1881 *post*.

President, and the other members shall consist of one experienced native officer from the Judicial, another from the Revenue branch of the service and a third from the Educational Department. When the Chief Judicial or Chief Revenue Officer is unable to attend, an experienced Assistant or Subordinate will perform his duties as member of the Committee.

22. The Local Examination Committee will conduct the examinations and, after due deliberation in respect of each candidate examined, will record the result so far as regards the points on which their report is due, and the President shall transmit the record to the Central Examination Committee. The President will be responsible for the fairness, impartiality, and proper strictness of the examination. The written answers of the candidates and the other papers written by them either in the vernacular or in English shall be forwarded with the record.

Results of Examinations.

23. The Central Examination Committee shall report to Government the names of such candidates as have successfully passed.

Hindusta'ni and Vernacular Examinations.

24. Examinations in languages only are also held before a Sub-Committee for Vernacular Examinations of the Central Committee for Departmental Examinations, consisting of the Secretary or Under Secretary to Government in the Revenue Department, the Oriental Translator and two other members appointed by Government, the Oriental Translator being the Secretary.

25. The Sub-Committee will meet at Bombay or Poona quarterly on such date as they may appoint for examination of Junior Civil Servants and others who are desirous of being examined in any of the vernaculars of the Presidency. Civil Servants and others desirous of being examined in Sindhi are examined in that language by a Branch Committee at Karáchi.

26. The standards by which the Sub-Committee for Vernacular Examinations examines are the Lower and Higher Standards, except in the case of Hindustáni, the examination in which shall contain the following exercises :—

(1) Translation *vivâ voce* into English from a fairly written Hindustáni letter or petition—60.

(2) Written translation into Hindustáni from an ordinary English narrative or from a letter or petition or a Government order or regulation—120.

(3) Conversation on ordinary subjects including commercial, revenue and magisterial matters, to test the candidate's capability of understanding and making himself understood in a conversation on such subjects—35.

27. An officer of any Department who has passed before the Civil and Military Examination Committee an examination in any language shall not be required under these rules to undergo any examination in the same language by an equivalent or inferior standard before the Central Committee for Departmental Examinations or the Sub-Committee for Vernacular Examinations. For the purpose of this rule the Higher Standard Examination in Arabic, Maráthi, Gujaráti or Kánarese conducted by the Civil and Military Examination Committee, shall be deemed to be of equal difficulty with the Higher Standard Test in the same language to be passed before the Departmental or Vernacular Examination Committee.

APPENDIX A—JUNIOR CIVILIANS.

LOWER STANDARD.

Part I.

	Marks.
1. Translation from English ... 165 2. Translation into English ... 85	250
3. Reading and explaining Vernacular papers, and Conversation (in cases of local examination according to report of Local Committee) ...	150

Part II.

1. (*a*) Judicial Questions, to be answered with books ... ... (*b*) Judicial Questions including questions on the Indian Evidence Act, to be answered without books...	150
2. Magisterial Case	50
3. Revenue Questions	150
4. (*a*) Paper of Questions on Treasury and Local Fund Accounts	75
(*b*) *Viva voce* in Revenue Accounts ...	75
Aggregate Marks ...	900

HIGHER STANDARD.

Part I.

1. Translation from English ... 125 2. Translation into English ... 75	200
3. Reading and explaining Native papers, and Conversation (in cases of local examination according to report of Local Committee)	150

Part II.

1. Judicial Questions to be answered with books	75
2. Judicial Questions, including questions on the Indian Evidence Act and the Indian Contract Act, to be answered without books	75
3. Mr. Field's Law of Evidence in British India	100